

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

LINDA WALKER

PLAINTIFF

VERSUS

CIVIL ACTION NO. 3:22-cv-331-KHJ-MTP

BELK, INC., BELK STORES OF
MISSISSIPPI, LLC and JOHN and
JANE DOES 1-6

DEFENDANTS

NOTICE OF REMOVAL

TO: Debra Kizer, Circuit Clerk
Circuit Court, Madison County
100 North Side Square
Huntsville, AL 35801

Michael R. Brown
The Michael R. Brown Law Offices, PLLC
120 North Congress Street, Suite 710
Jackson, MS 39201

In accordance with 28 U.S.C. § 1332, 1441, and 1446, you are hereby notified that the named Defendants, Belk, Inc and Belk Stores of Mississippi, LLC, have removed this civil action from the Circuit Court of Madison County, Mississippi to the United States District Court for the Southern District of Mississippi, Northern Division, and in support hereof would show unto the Court the following:

1. This action was filed in the Circuit Court of Madison County, Mississippi as Cause No. CI-2022-0017-JM. Plaintiff's Amended Complaint names Belk, Inc and Belk Stores of Mississippi, LLC as the Defendants. (See Ex. "A", Amended Complaint).

2. There is complete diversity of citizenship between the Plaintiff and named Defendants, Belk, Inc., and Belk Stores of Mississippi, LLC. Plaintiff is domiciled in Mississippi at her residence in Madison County, Mississippi, according to her Amended

Complaint. (Complaint, para. 1). Belk Stores of Mississippi, LLC is a foreign limited liability company licensed to do business in Mississippi. (Ex. “B”, 28 U.S.C. §1746 Declaration of Matthew Gorrell). Its members are Belk Texas Holdings, LLC, a North Carolina limited liability company whose principal place of business and domicile is North Carolina, and Belk, Inc., a Delaware incorporated corporation whose domicile and principal place of business is North Carolina. *Id.* Belk Texas Holdings, LLC’s sole member is Belk Stores Services, Inc. whose principal place of business and domicile is North Carolina. *Id.*

Belk, Inc. is a Delaware incorporated corporation whose domicile and principal place of business is North Carolina. *Id.*

Accordingly, this Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1332.

3. The United States District Court for the Southern District of Mississippi, Northern Division, has original subject matter jurisdiction over this civil action because there is complete diversity among the parties, as noted, pursuant to 28 U.S.C. § 1332. The amount in controversy in this civil action, exclusive of interest and costs, exceeds the sum of \$75,000.00. (Plaintiff’s Amended Response to Defendants’ First Request for Admissions, admitting she is seeking over \$75,000.00 attached as Ex. “C”). No party properly joined as a Defendant is domiciled in the State of Mississippi or has its principal place of business in the State of Mississippi. Therefore, this action may be removed to this Court pursuant to 28 U.S.C. § 1441.

4. The amount in controversy in this civil action, exclusive of interest and costs, is in excess of the minimum jurisdictional amount of this Court. Plaintiff seeks compensatory damages in excess of \$75,000.00, as noted above. Therefore, this Court’s minimal jurisdictional threshold is satisfied. 28 U.S.C. § 1332.

5. This Notice of Removal is timely filed because it has been filed within 30 days of the service of the Response to First Request for Admissions upon Defendants. (Plaintiff's Amended Response to First Request for Admissions, dated May 23, 2022). Further, it is filed within one year of the filing of the original Complaint. 28 U.S.C. § 1446(b).

6. This action is not one rendered non-removable by 28 U.S.C. § 1445.

7. Copies of all process, pleadings, and orders served on the Defendant in the State Court action are attached to this Notice as Ex. "D."

8. A copy of the Notice of Removal is being served on the Plaintiff, by and through her attorney of record, and the Clerk of the Circuit Court of Madison County, Mississippi.

WHEREFORE, Belk, Inc., and Belk Stores of Mississippi, LLC, serve this Notice and hereby remove this case pursuant to 28 U.S.C. § 1332, 1441, and 1446, and Plaintiff herein is notified to attempt to proceed no further in this case in the Circuit Court of Madison County, Mississippi unless by Order of the United States District Court for the Southern District of Mississippi, Northern Division.

RESPECTFULLY SUBMITTED, this the 15th day of June, 2022.

BELK, INC, BELK STORES OF MISSISSIPPI,
LLC, Defendants

BY: CARR ALLISON, Their Counsel

BY: /s Thomas L. Carpenter
THOMAS L. CARPENTER, MB#9808

CARR ALLISON
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CERTIFICATE OF SERVICE

I, Thomas L. Carpenter, attorney of record for Belk do hereby certify that on this day I have mailed, first class United States mail, postage-prepaid, a copy of this Notice of Removal to the following persons:

Debra Kizer, Circuit Clerk
Circuit Court, Madison County
100 North Side Square
Huntsville, AL 35801

Michael R. Brown
The Michael R. Brown Law Offices, PLLC
120 North Congress Street, Suite 710
Jackson, MS 39201

This the 15th day of June, 2022.

/s Thomas L. Carpenter
THOMAS L. CARPENTER, MB#9808